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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUSHI FUJII, ET AL. : EXAMINER: HUYNH, B.
SERIAL NO: 10/067,310 :
FILED: FEBRUARY 7, 2002 : GROUP ART UNIT: 2179
FOR: INFORMATION PROCESSING :
APPARATUS, INFORMATION
PROCESSING METHOD, RECORDING
MEDIUM, AND PROGRAM

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated June 23, 2009 which finally rejected Claims 1-16 in the above-identified patent application. A Notice of Appeal was timely filed on October 1, 2008.

I. REAL PARTY-IN-INTEREST

The real party-in-interest is Sony Corporation.

II. RELATED APPEALS AND INTERFERENCES

U.S. Patent Application Nos. 10/067,350 and 10/067,304 are also under appeal and include similar issues as the present appeal.

III. STATUS OF CLAIMS

Claims 1-16 have been finally rejected and form the basis for this appeal. Appendix VIII includes a clean copy of Claims 1-16.

IV. STATUS OF AMENDMENTS

No amendment after final rejection has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to an information processing server managing a first service of distributing streaming contents and a second service of providing a group chat space. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a second terminal requesting the use of the first service and the use of the second service. The server includes an acquiring unit, a generation unit, a providing unit, a storing unit, and a supply unit. The acquiring unit is configured to acquire reservation information, sent by the first terminal, to the information processing server from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal. (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.) The generation unit is configured to generate a group chat space for each streaming content corresponding to the reservation. The generation unit is configured to generate the group chat space a predetermined time prior to a start time for the reservation. (Communication server 6, page 20, lines 2-5.) The providing unit is configured to provide a group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal. (Communication server 6, page 9, lines 8-11.) The storing unit is configured to store the whole or part of the contents

of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to the start time for the reservation (Communication server 6, page 20, lines 17-22.). The supply unit is configured automatically to supply the whole or a part of the contents of group chatting performed in the group chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal (Communication server 6, page 20, lines 17-22.).

Independent Claim 2 is directed to a method including acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.); generating group chat space for each streaming content corresponding to the reservation, the generating including generating the group chat space a predetermined time prior to a start time for the reservation (Communication server 6, page 20, lines 2-5.); providing group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal (Communication server 6, page 9, lines 8-11.); and storing the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to the start time for the reservation (Communication server 6, page 20, lines 17-22.); and supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal (Communication server 6, page 20, lines 17-22.).

Independent Claim 3 is directed to a recording medium recording medium storing a computer-readable program to cause a computer to implement a method including acquiring reservation information, sent by the first terminal, to the information processing apparatus

from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.); generating group chat space for each streaming content corresponding to the reservation, the generating including generating the group chat space a predetermined time prior to a start time for the reservation (Communication server 6, page 20, lines 2-5.); providing group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal (Communication server 6, page 9, lines 8-11.); and storing the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to the start time for the reservation (Communication server 6, page 20, lines 17-22.); and supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal (Communication server 6, page 20, lines 17-22.).

Independent Claim 4 is directed to a computer readable carrier including computer program instructions to cause a computer to implement a method including acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.); generating group chat space for each streaming content corresponding to the reservation, the generating including generating the group chat space a predetermined time prior to a start time for the reservation (Communication server 6, page 20, lines 2-5.); providing group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal (Communication server 6, page 9, lines 8-11.); and storing the whole or part of

the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to the start time for the reservation (Communication server 6, page 20, lines 17-22.); and supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal (Communication server 6, page 20, lines 17-22.).

Independent Claim 5 is directed to an information processing server managing a first service of distributing contents and a second service of providing a group chat room. The contents are provided to the server by a first terminal. The contents are distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service. The server includes an acquiring unit, a reservation providing unit, a generation unit, and a chat room providing unit. The acquiring unit is configured to acquire reservation information sent by the first terminal to the information processing server, the reservation information including an Internet webpage address of a user of the first terminal (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.). The reservation providing unit is configured to provide the reservation information to the plurality of second terminals (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.). The generation unit is configured to generate a group chat room corresponding to the reservation information (Communication server 6, page 20, lines 2-5.). The chat room providing unit is configured to provide the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service (Communication server 6, page 9, lines 8-11.)

Independent Claim 11 is directed to a method including acquiring reservation information sent by the first terminal to the information processing server, the reservation

information including an Internet webpage address of a user of the first terminal (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.); providing the reservation information to the plurality of second terminals (Live casting server 7, page 25, line 1 to page 27, line 21 and Figure 10.); generating a group chat room corresponding to the reservation information (Communication server 6, page 20, lines 2-5.); and providing the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service (Communication server 6, page 9, lines 8-11.).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

(a) whether Claims 1-4, 10, and 16 are unpatentable under 35 U.S.C. §103(a) over Dworkin (U.S. Patent Application Publication No. 20020071540) in view of Achacoso et al. (U.S. Patent Application Publication No. 20060090013, hereinafter “Achacoso”) and Dailey et al. (U.S. Patent No. 6,363,352, hereinafter “Dailey”) and further in view of Takagi et al. (U.S. Patent Application Publication No. 20020002584, hereinafter “Takagi”); and

(b) whether Claims 5-9 and 11-15 are unpatentable under 35 U.S.C. §103(a) over Dworkin (U.S. Patent Application Publication No. 20020071540) in view of Achacoso et al. (U.S. Patent Application Publication No. 20060090013, hereinafter “Achacoso”) and Dailey et al. (U.S. Patent No. 6,363,352, hereinafter “Dailey”).

VII. ARGUMENTS

A. Claims 1-4 are not unpatentable over Dworkin in view of Achacoso, Dailey, and Takagi

Claim 1 recites in part “an acquiring unit configured to acquire reservation information, sent by the first terminal, to the information processing server from a reservation data base in order to provide the first service, *the reservation information including an Internet webpage address of a user of the first terminal.*”

Dworkin describes an application service provider (ASP) for providing a conferencing environment.¹ The outstanding Advisory Action cited paragraph 19 of Dworkin as describing the above highlighted feature.² Paragraph 19 of Dworkin simply describes that a user calendar maintained and updated *at ASP 110* can include user-defined scheduling information. The user may be responsible for updating their own user calendar. However, Dworkin does not teach or suggest that a webpage address of the user calendar is *included* in reservation information. In fact, nowhere does Dworkin describe that any reservation information includes any website of a user, much less the user who reserved the conference. In this regard, paragraph 26 of Dworkin describes that the purchaser of conference room time may identify the following at the time of purchase: the video chat room name and size, password, bandwidth, environment, and video and sound quality of the conference. A website of the purchaser is *not* included in the list, nor is the user calendar described in paragraph 19 of Dworkin. Therefore, it is respectfully submitted that Dworkin does not describe a reservation information providing unit configured to provide information including *hyperlink data of a webpage of a user of the first terminal*. At most, paragraph 28 of Dworkin describes that a website of the *ASP*, not either of the users 106, 108, is provided to a customer.

The Advisory Action dated September 10, 2008 then stated that “implementation of the webpage-based conferencing is well known in the art and is disclosed by Achacoso et al

¹See Dworkin, abstract.

²See the Advisory Action dated September 10, 2008 at page 2, lines 2-4.

(0108).”³ However, the above emphasized feature of Claim 1 does *not* recite “webpage-based conferencing.” Achacoso describes that a webpage of an e-meeting center can be emailed to participants, who can then use the link to enter a webpage-based conference. The e-meeting center does *not* receive a reservation including *an Internet webpage address of one of the participants*. Accordingly, Achacoso also does not teach or suggest “an acquiring unit” as defined in Claim 1.

With respect to Dailey, column 10, lines 10-18 and column 14, lines 33-39, at most describe that the host computer knows the *IP addresses* of all participating computers. As the IP address of a participating computer is very different than the Internet webpage address of the user of that computer, it is respectfully submitted Dailey does not teach or suggest the above quoted feature either.

Finally, with regard to Takagi, paragraph 93 of Takagi describes that a message of conference information simply includes the name of the conference, start time, member name list, “and the like.” Thus, it is respectfully submitted that Takagi also fails to teach or suggest an acquiring unit configured to acquire reservation information including *an Internet webpage address of the user of the first terminal*. Consequently, Claim 1 is patentable over Dworkin in view of Achacoso and Dailey and further in view of Takagi.

Claims 2-4 recite in part “acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, *the reservation information including an Internet webpage address of a user of the first terminal*.”

As noted above, Dworkin only describes providing a website of the ASP, not of the users 106, 108. Further, Achacoso only describes that a webpage of an e-meeting center can be emailed to participants, who can then use the link to enter a webpage-based conference.

³See the Advisory Action dated September 10, 2008 at page 2, lines 4-5.

Consequently, Claims 2-4 are also patentable over Dworkin in view of Achacoso and Dailey and further in view of Takagi.

B. Claims 5-9 and 11-15 are not unpatentable over Dworkin in view of Achacoso and Dailey

Claim 5 recites in part:

an acquiring unit configured to acquire reservation information sent by the first terminal to the information processing server, the reservation information including an Internet webpage address of a user of the first terminal;
a reservation providing unit ***configured to provide the reservation information to the plurality of second terminals;***
a generation unit configured to generate a group chat room corresponding to the reservation information; and
a chat room providing unit configured to provide the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service.

As noted above, Dworkin only describes providing a website of the ASP, not of the users 106, 108. Further, Achacoso only describes that a webpage of an e-meeting center can be emailed to participants, who can then use the link to enter a webpage-based conference. Therefore, the proposed combination does not teach or suggest ***reservation information including an Internet webpage address of a user of a first terminal***, and thus cannot teach or suggest any device to acquire such reservation information or send such reservation information to any other terminals. Moreover, it is respectfully submitted that Dailey does not teach or suggest this feature either. Thus, it is respectfully submitted that the proposed combination does not teach or suggest “an acquiring unit” and “a reservation information providing unit” as defined in Claim 5. Consequently, Claim 5 (and Claims 6-10 dependent therefrom) is patentable over Dworkin in view of Achacoso and Dailey.

Claim 11 recites in part:

acquiring reservation information sent by the first terminal to the information processing server, the reservation information including an Internet webpage address of a user of the first terminal;
providing the reservation information to the plurality of second terminals.

As noted above, none of Dworkin, Achacoso, and Dailey teach or suggest acquiring reservation information including an Internet webpage address of the user of the first terminal. Therefore, the proposed combination does not teach or suggest ***reservation information including an Internet webpage address of a user of a first terminal***, and thus cannot teach or suggest acquiring such reservation information or providing such reservation information to any other terminals. Thus, it is respectfully submitted that the proposed combination does not teach or suggest “acquiring” and “providing” as defined in Claim 11. Consequently, Claim 11 (and Claims 12-16 dependent therefrom) is also patentable over Dworkin, Achacoso, and Dailey.

C. Claims 10 and 16 are not unpatentable over Dworkin in view of Achacoso, Dailey, and Takagi

With regard to the rejection of Claims 10 and 16 as unpatentable over Dworkin in view of Achacoso, Dailey, and Takagi, it is noted that Claims 10 and 16 are dependent from Claims 5 and 12, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Takagi does not cure any of the above-noted deficiencies of Dworkin, Achacoso, and Dailey, as discussed with respect to Claims 1-4. Accordingly, it is respectfully submitted that Claims 10 and 16 are patentable over Dworkin in view of Achacoso, Dailey, and Takagi.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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VIII. CLAIMS APPENDIX

Claim 1: An information processing server managing a first service of distributing streaming contents and a second service of providing a group chat space, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a second terminal requesting the use of the first service and the use of the second service, comprising:

an acquiring unit configured to acquire reservation information, sent by the first terminal, to the information processing server from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal;

a generation unit configured to generate a group chat space for each streaming content corresponding to the reservation, said generation unit generating said group chat space a predetermined time prior to a start time for said reservation;

a providing unit configured to provide a group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal; and

a storing unit configured to store the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to said start time for said reservation; and

a supply unit configured automatically to supply the whole or a part of the contents of group chatting performed in the group chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal.

Claim 2: An information processing method for an information processing server managing a first service of distributing streaming contents of a first terminal in real time

according to a reservation made in advance by the first terminal, and, to a second terminal requesting the use of the first service and the use of a second service of providing a group chat space, comprising:

acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal;

generating group chat space for each streaming content corresponding to the reservation, said generating step generating said group chat space a predetermined time prior to a start time for said reservation;

providing group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal; and,

storing the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to said start time for said reservation; and

supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal.

Claim 3: A recording medium storing a computer-readable program for an information processing server managing a first service of distributing streaming contents of a first terminal in real time according to a reservation made in advance by the first terminal, and, to a second terminal requesting the use of the first service and the use of a second service of providing a group chat space, comprising:

acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, the

reservation information including an Internet webpage address of a user of the first terminal;

generating group chat space for each streaming content corresponding to the reservation, said generating step generating said group chat space a predetermined time prior to a start time for said reservation;

providing group chat space to the first terminal and other terminals including the second terminal designated to be distributed by the first terminal; and

storing the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated prior to said start time for said reservation; and

supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal.

Claim 4: A computer readable carrier including computer program instructions to cause a computer to implement a method of managing a first service of distributing streaming contents of a first terminal in real time according to a reservation made in advance by the first terminal, and, to a second terminal requesting the use of the first service and the use of a second service of providing a group chat space, comprising:

acquiring reservation information, sent by the first terminal, to the information processing apparatus from a reservation data base in order to provide the first service, the reservation information including an Internet webpage address of a user of the first terminal;

generating group chat space for each streaming content corresponding to the reservation, said generating step generating said group chat space a predetermined time prior to a start time for said reservation;

providing group chat space to the first terminal and other terminals including the

second terminal designated to be distributed by the first terminal prior to said start time for said reservation; and

storing the whole or part of the contents of the group chatting performed in the group chat space in a shared file generated when the group chat space is generated; and

supplying, automatically, the whole or a part of the contents of group chatting performed in the chat space to the first terminal by sending the shared file after completion of the delivery of the first service to the second terminal.

Claim 5: An information processing server managing a first service of distributing contents and a second service of providing a group chat room, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service, comprising:

an acquiring unit configured to acquire reservation information sent by the first terminal to the information processing server, the reservation information including an Internet webpage address of a user of the first terminal;

a reservation providing unit configured to provide the reservation information to the plurality of second terminals;

a generation unit configured to generate a group chat room corresponding to the reservation information; and

a chat room providing unit configured to provide the group chat room to the first terminal and the plurality of second terminals coincident with the first service, the plurality of second terminals accessing the group chat room and first service.

Claim 6: An information processing server recited in Claim 5, wherein the reservation

information further includes a genre of the contents.

Claim 7: An information processing server recited in Claim 5, wherein the reservation information further includes a description of the contents.

Claim 8: An information processing server recited in Claim 5, wherein the reservation information further includes a reservation date and a reservation time.

Claim 9: An information processing server recited in Claim 5, wherein the reservation information further includes an electronic mail address of a user of the first terminal.

Claim 10: An information processing server recited in Claim 5, wherein the chat room providing unit is configured to maintain a record of chat in the group chat room and automatically send the record to the first terminal when the group chat room is closed.

Claim 11: An information processing method of managing a first service of distributing contents and a second service of providing a group chat room, the contents being provided to the server by a first terminal, the contents being distributed by the server in real time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals requesting the use of the first service and the use of the second service, comprising:

acquiring reservation information sent by the first terminal to the information processing server, the reservation information including an Internet webpage address of a user of the first terminal;

providing the reservation information to the plurality of second terminals;

generating a group chat room corresponding to the reservation information; and
providing the group chat room to the first terminal and the plurality of second
terminals coincident with the first service, the plurality of second terminals accessing the
group chat room and first service.

Claim 12: An information processing server recited in Claim 11, wherein the
acquiring reservation information includes acquiring reservation information including a
genre of the contents.

Claim 13: An information processing server recited in Claim 11, wherein the
acquiring reservation information includes acquiring reservation information including a
description of the contents.

Claim 14: An information processing server recited in Claim 11, wherein the
acquiring reservation information includes acquiring reservation information including a
reservation date and a reservation time.

Claim 15: An information processing server recited in Claim 11, wherein the
acquiring reservation information includes acquiring reservation information including an
electronic mail address of a user of the first terminal.

Claim 16: An information processing server recited in Claim 11, wherein the
providing the group chat room includes maintaining a record of chat in the group chat room
and automatically sending the record to the first terminal when the group chat room is closed.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.